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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,629	02/10/2004	Naoaki Yamanaka	040803-0307870	9790
909 7590 03/13/2008 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER				
KEEFE, MICHAEL E				
ART UNIT		PAPER NUMBER		
2154				
MAIL DATE		DELIVERY MODE		
03/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/774,629

**Applicant(s)**

YAMANAKA ET AL.

**Examiner**

MICHAEL E. KEEFER

**Art Unit**

2154

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 14, 15, 21 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14, 15, 21 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is responsive to the Amendment filed 11/30/2007.

#### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 11/30/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent 6,756,283 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Claim Objections***

3. Claims 1-11, 14, 15, 21 and 25 are objected to because of the following informalities: It is unclear whether "a packet" as amended into claim 1 at line 6 was actually intended to be "the packet", referring back to "a packet" in line 2, or whether it is meant to refer to one of "a plurality of packets" in line 3. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11, 14-15, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murthy (US 6545982) in view of Bushmitch (EP 0915598).

As shown in Figs. 1-20, Murthy discloses a network which pushes data to various ports and subsequently To the networks and devices (e.g., A0 B0, T, Fig. 1) connected

Art Unit: 2154

to those ports (abstract), a means for copying information (Col. 2, lines 49-56; col. 13, lines 30-34; col. 18, lines 10-22, and lines 60-67), distributing packets (col. 9, lines 1-54; broadcast multicast table, col. 15), adding a content ID (protocol ID, address, length field, CRC, various headers, col. 7-9, especially col. 8, lines 16-58; packet descriptor or mask, cols. 11-12, and cl. 17, especially col. 111, lines 5-60, and col. 12, lines 50-59), deciding whether to distribute packets (col. 8, lines 15-67; cols. 11-12), tables (e.g., B/M table col. 15), registering a content ID (using the tables, col. 14), table entries with notification from user and deleting means (e.g., XMASKs, col. 13, lines 6-46; custom filtering rules, col. 14, table entries, col. 16, lines 16-45), storing packet with decision means (buffering packets with protocol ID, subfields, various headers, (col. 9, lines 20-54; packet descriptors, col. 10, line 41 - col. 12 line 67). However, Murthy fails to call for a push network.

Bushmitch teaches a push network and admission control of devices registering with service providers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Murthy and Bushmitch because both networks send multicast traffic to devices, and Bushmitch offers details of end devices registering (using call admission control CAC) with service providers. It would have been obvious for the end users to register with service providers in order to set up a call or to set up a path such as a VPI/VCI. Murthy discloses packet based protocols (col. 4, lines 20-30) and ATM which uses CAC is one such packet based protocol.

***Response to Arguments***

6. Applicant's arguments filed 11/30/2007 have been fully considered but they are not persuasive.

Applicant's Terminal Disclaimer has been entered; therefore the rejections based upon obvious-type double patenting have been withdrawn.

Applicant alleges that neither Murthy nor Bushmitch make any mention or suggestion of certain limitations of claim 1. However, these features and limitations are pointed out in the rejection of record, which has been repeated above.

Furthermore, Applicant asserts that claim 1 has been amended to clarify that "the content identifier is added after the initial construction of the packet", as suggested by the Examiner. A means for adding information to a packet does not limit the claim in the manner suggested by the examiner. The information providing terminal must inherently have a means to add information to a packet, or else it would not be able to provide a packet with any information in it at all.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL E. KEEFER whose telephone number is (571)270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2154

MEK 2/25/2008

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154